STATE OF SOUTH CAROLIN	A RE	CEIVED BEFORE	E THE	
(Caption of Case)	911		E COMMISSION	
	20 <b>)</b> 2 AU	OF SOUTH C	CAROLINA	
Application of Palmetto of Richla	and County LLC for	COVER	SHEET	
Certificate that the Acquisition of	ODIO	JBLIC SERVICE		
Columbia Sewer Collection Syste of unincorporated Richland Coun	in serving portions ( )	MMISSION		
Interest and for Establishment of		DOCKET NUMBER. 2012	273 <sub>-</sub> S	
Rates and Charges.	HIN	, NUMBER: 2012 -		
	Posted: 900	the command and the property of a finish for property and an extension of the community of		
	Dept: Aft	and the second s		
(Please type or print) <b>Submitted by:</b> John M. S. Hoef	Per, Esquir Date: 8/20/10	SC Bar Number: 2549		
17° 11		<b>Telephone:</b> 803-252-	3300	
Address: PO Box 8416	A BANK VI approximation from the superior of t	Fax: 803-771-	2410	
Columbia, South Card	olina 29202-8416	Other:		
		Email: jhoefer@willoughby		
NOTE: The cover sheet and information as required by law. This form is require be filled out completely.	contained herein neither replaces d for use by the Public Service Co	nor supplements the filing and servenmission of South Carolina for the	ice of pleadings or other papers purpose of docketing and must	
	CKETING INFORMA	TION (Check all that annly)		
DO		equest for item to be placed on	Commission's Agenda	
Emergency Relief demanded in		peditiously	• • • • • • • • • • • • • • • • • • •	
Other:				
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X  Other:   INDUSTRY (Check one)	NATUR	E OF ACTION (Check all the	at apply)	
INDUSTRY (Check one)		E OF ACTION (Check all the	at apply)	
INDUSTRY (Check one)	Affidavit			
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INDUSTRY (Check one)	Affidavit	Letter	Request Request for Certification	
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INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water	Affidavit Agreement Answer Appellate Review	☐ Letter ☐ Memorandum ☑ Motion ☐ Objection	Request Request for Certification Request for Investigation Resale Agreement	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.	Affidavit Agreement Answer Appellate Review Application	☐ Letter ☐ Memorandum ☐ Motion ☐ Objection ☐ Petition	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer	Affidavit Agreement Answer Appellate Review Application Brief	☐ Letter ☐ Memorandum ☐ Motion ☐ Objection ☐ Petition ☐ Petition for Reconsideration	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer  Gas	Affidavit Agreement Answer Appellate Review Application Brief Certificate	Letter  Memorandum  Motion  Objection  Petition  Petition for Reconsideration  Petition for Rulemaking	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer  Gas  Railroad	Affidavit  Agreement  Answer  Appellate Review  Application  Brief  Certificate  Comments	Letter     Memorandum     Motion     Objection     Petition     Petition for Reconsideration     Petition for Rulemaking     Petition for Rule to Show Cause	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response Response to Discovery	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer  Gas  Railroad  Sewer	Affidavit Agreement Answer Appellate Review Application Brief Certificate Comments Complaint	□ Letter      □ Memorandum      ⋈ Motion      □ Objection      □ Petition      □ Petition for Reconsideration      □ Petition for Rulemaking      □ Petition for Rule to Show Cause      □ Petition to Intervene	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response Response to Discovery Return to Petition	
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INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer  Gas  Railroad  Sewer  Telecommunications  Transportation	Affidavit Agreement Answer Appellate Review Application Brief Certificate Comments Complaint Consent Order Discovery	□ Letter      □ Memorandum      ⋈ Motion      ○ Objection      □ Petition      □ Petition for Reconsideration      □ Petition for Rulemaking      □ Petition for Rule to Show Cause      □ Petition to Intervene      □ Petition to Intervene Out of Time      □ Prefiled Testimony	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response Response to Discovery Return to Petition Stipulation Subpoena	
INDUSTRY (Check one)  Electric Electric/Gas Electric/Telecommunications Electric/Water Electric/Water/Telecom. Electric/Water/Sewer Gas Railroad Sewer Telecommunications Transportation Water	Affidavit Agreement Answer Appellate Review Application Brief Certificate Comments Complaint Consent Order Discovery Exhibit	□ Letter     □ Memorandum     ⋈ Motion     □ Objection     □ Petition     □ Petition for Reconsideration     □ Petition for Rulemaking     □ Petition for Rule to Show Cause     □ Petition to Intervene     □ Petition to Intervene Out of Time     □ Prefiled Testimony     □ Promotion	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response Response to Discovery Return to Petition Stipulation Subpoena Tariff	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer  Gas  Railroad  Sewer  Telecommunications  Transportation  Water  Water/Sewer	Affidavit Agreement Answer Appellate Review Application Brief Certificate Comments Complaint Consent Order Discovery Exhibit Expedited Consideration	□ Letter     □ Memorandum     ⋈ Motion     □ Objection     □ Petition     □ Petition for Reconsideration     □ Petition for Rulemaking     □ Petition for Rule to Show Cause     □ Petition to Intervene     □ Petition to Intervene Out of Time     □ Prefiled Testimony     □ Promotion     □ Proposed Order     □ Protest	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response Response to Discovery Return to Petition Stipulation Subpoena Tariff Other:	
INDUSTRY (Check one)  Electric  Electric/Gas  Electric/Telecommunications  Electric/Water  Electric/Water/Telecom.  Electric/Water/Sewer  Gas  Railroad  Sewer  Telecommunications  Transportation  Water  Water/Sewer  Administrative Matter	Affidavit Agreement Answer Appellate Review Application Brief Certificate Comments Complaint Consent Order Discovery Exhibit Expedited Consideration Interconnection Agreement	□ Letter     □ Memorandum     ⋈ Motion     □ Objection     □ Petition     □ Petition for Reconsideration     □ Petition for Rulemaking     □ Petition for Rule to Show Cause     □ Petition to Intervene     □ Petition to Intervene Out of Time     □ Prefiled Testimony     □ Promotion     □ Proposed Order     □ Protest	Request Request for Certification Request for Investigation Resale Agreement Resale Amendment Reservation Letter Response Response to Discovery Return to Petition Stipulation Subpoena Tariff Other:	
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STATE OF SOUTH CAROLIN	A H	)FIVED BEFOR	E THE	
(Caption of Case)		PUBLIC SERVICE COMMISSION		
,	2012)AUG	29 PM 3: 48 OF SOUTH 0	CAROLINA	
Application of Palmetto of Richla Certificate that the Acquisition of Columbia Sewer Collection Syste of unincorporated Richland Coun Interest and for Establishment of a Rates and Charges.	nd County LLC for )  the City of SC PUB m serving portions CON ty is in the Public )	LIC SERVICE IVIISSION DOCKET	SHEET S	
(Please type or print)	,	SC Bar Number: 2549		
Submitted by: John M. S. Hoefer, Esquire				
Address: PO Box 8416				
Columbia, South Carolina 29202-8416		Fax: 803-771-	-2410	
-		Email: jhoefer@willoughby	vhoefer.com	
NOTE: The cover sheet and information as required by law. This form is require be filled out completely.		nor supplements the filing and serv	vice of pleadings or other papers	
Emergency Relief demanded in Other:		equest for item to be placed on peditiously		
INDUSTRY (Check one)	NATUR	E OF ACTION (Check all th	at apply)	
Electric	Affidavit	Letter	Request	
Electric/Gas	Agreement	Memorandum	Request for Certification	
☐ Electric/Telecommunications	Answer	Motion	Request for Investigation	
Electric/Water	Appellate Review	○ Objection	Resale Agreement	
Electric/Water/Telecom.	Application	Petition	Resale Amendment	
Electric/Water/Sewer	Brief	Petition for Reconsideration	Reservation Letter	
Gas	Certificate	Petition for Rulemaking	Response	
Railroad	Comments	Petition for Rule to Show Cause	Response to Discovery	
Sewer	Complaint	Petition to Intervene	Return to Petition	
Telecommunications	Consent Order	Petition to Intervene Out of Time	Stipulation	
Transportation	Discovery	Prefiled Testimony	Subpoena	
☐ Water	Exhibit	Promotion	Tariff	
☐ Water/Sewer	Expedited Consideration	Proposed Order	Other:	
Administrative Matter	Interconnection Agreement	Protest		
Other:	Interconnection Amendment	Publisher's Affidavit	SECHIAHD)	
	Late-Filed Exhibit	Report	AUG 8 0 2012	
	Print Form	Reset Form	PSC SC MAIL / DMS	

## WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW 930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

RECEIVED

2012 AUG 29 PM 3: 48

SC PUBLIC SERVICAREA CODE 803 COMMISSIOTELEPHONE 252-3300 COMMISSIOTELECOPIER 256-8062

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
TRACEY C. GREEN
BENJAMIN P. MUSTIAN
ELIZABETH ZECK\*
ELIZABETHANN LOADHOLT FELDER
CHAD N. JOHNSTON
JOHN W. ROBERTS

\*ALSO ADMITTED IN TX

August 29, 2012

RECEIVED

VIA HAND-DELIVERY

The Honorable Jocelyn D. Boyd Chief Clerk/Administrator Public Service Commission of South Carolina 101 Executive Center Drive Columbia, South Carolina 29211 MG : 2012

PSC SC MAIL / DMS

RE:

Application of Palmetto of Richland County LLC for Certificate that Acquisition is in the Public Interest and for establishment of Service Area, Rates and Charges

Docket No.: 2012-273-S

Dear Ms. Boyd:

Enclosed for filing are the original and one (1) copy each of an **Objection to Lawrence Petition to Intervene** and a **Motion for Appointment of Hearing Officer and Prehearing Conference** on behalf of the Applicant in the above-referenced matter. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies that are enclosed and returning them to me via our courier.

By copy of this letter, I am serving counsel for the Office of Regulatory Staff and Mr. Lawrence with a copy of same and enclose a Certificate of Service to that effect.

If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.

∕John M.S. Hoefer

JMSH/ccm Enclosures

cc:

Nanette S. Edwards, Esquire Mr. James E. Lawrence

RECEIVED

#### BEFORE

2012 AUG 29 PM 3: 48

#### THE PUBLIC SERVICE COMMISSION OF

SC PUBLIC SERVICE COMMISSION

SOUTH CAROLINA

**DOCKET NO. 2012-273-S** 

IN RE:	)	
IN RE:  Application of Palmetto of Richland County LLC for a Certificate that the Acquisition of the City of Columbia Sewer Collection System serving portions of unincorporated Richland County is in the Public Interest and for	) ) ) ) )	CERTIFICATE OF SERVICE
Establishment of a Service Area and Rates and Charges	)	

This is to certify that I have caused to be mailed this day one (1) copy of an Objection to Lawrence Petition to Intervene and one (1) copy of a Motion for Appointment of Hearing Officer and Prehearing Conference by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Nanette S. Edwards, Esquire Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, SC 29201

Mr. James E. Lawrence 134 Lightwood Knot Road Columbia, SC 29223

Cindes C. Hills

Columbia, South Carolina This 29<sup>th</sup> day of August, 2012.



#### BEFORE

2012 AUG 29 PM 3: 48

# THE PUBLIC SERVICE COMMISSION OF SC PUBLIC SERVICE

### SOUTH CAROLINA

#### **DOCKET NO. 2012-273-S**

IN RE:	)
Aunlication of Polyatta of Dichland	)
Application of Palmetto of Richland	,
County LLC for a Certificate that	)
the Acquisition of the City of Columbia	)
Sewer Collection System serving portions	)
of unincorporated Richland County is in	)
the Public Interest and for	)
Establishment of a Service Area and	)
Rates and Charges	)
	)

APPLICANT'S OBJECTION TO PETITION TO INTERVENE OF JAMES E. LAWRENCE

Palmetto of Richland County, LLC ("Applicant" or "PRC"), pursuant to Vol. 26 S.C. Code Ann. Regs. 103-825.A.3 (Supp. 2010), hereby objects to the petition to intervene of James E. Lawrence ("Petitioner" or "Mr. Lawrence") in the above-captioned docket. In support thereof, Applicant would respectfully show as follows:

- On August 20, 2012, Petitioner served upon Applicant via United States Mail a 1. copy of his letter of the same date to the Commission seeking designation as an intervenor and party of record in this matter. Therein, Petitioner states that he seeks such designation so that "full rights of due process regarding the application [will] be available" to him and that he desires "a 30 minute time frame at the December 13, 2012, public hearing."
- Petitioner's letter is insufficient to meet the requirements of Vol. 26 S.C. Code 2. Ann. Regs. 103-825.A.3 (c) as the petition fails to state his position in this matter. Applicant has

attempted, without success, to ascertain from Petitioner whether he (a) opposes the Application (and thus wishes for the City of Columbia to remain as the wastewater service provider serving the territory where he resides), (b) supports the Application (and thus wishes for PRC to become certificated as a public utility authorized to provide wastewater service in the territory where he resides, subject to the jurisdiction of this Commission), or (c) is neutral and has no position with respect to the matter.

- 3. Applicant does not seek an immediate ruling by the Commission on the within Objection. Contemporaneously herewith, Applicant has filed with this Commission a motion pursuant to Vol. 26 S.C. Code Ann. Regs. 103-829 (Supp. 2010) seeking appointment of a Hearing Officer pursuant to Vol. 26 S.C. Code Ann. Regs. 103-804.G (Supp. 2010) for the purpose, *inter alia*, of conducting a prehearing conference in accordance with Vol. 26 S.C. Code Ann. Regs. 103-839 (Supp. 2010). Applicant submits that the position of Petitioner with respect to this proceeding may be determined in the context of a prehearing conference and therefore requests that a ruling by the Commission on the within Objection be held in abeyance pending (a) a determination on Applicant's motion for appointment of a Hearing Officer and (b), if that motion is granted, a report by the Hearing Officer to the Commission with respect to Petitioner's position in this matter.
- 4. Should the Commission deny Applicant's motion for appointment of a Hearing Officer, Applicant alternatively requests that Mr. Lawrence's Petition to Intervene be denied as non-compliant with R. 103-825.A.3.

WHEREFORE, having fully set forth its Objection, Applicant requests (a) that the Commission hold same in abeyance pending action on Applicant's motion for appointment of a hearing officer and a report to the Commission with respect to Mr. Lawrence's position in this matter after a prehearing conference, (b) alternatively, that Mr. Lawrence's petition to intervene be denied, and (c) that Applicant be granted such other and further relief as the Commission may deem just and proper.

Jøhn M. S. Hoefer Benjamin P. Mustian

WILLOUGHBY & HOEFER, P.A.

Post Office Box 8416 Columbia, SC 29202-8416

803-252-3300

jhoefer@willoughbyhoefer.com bmustian@willoughbyhoefer.com

Attorneys for Applicant

Columbia, South Carolina This 29th day of August, 2012